

MONDAY, APRIL 29, 1991

FORTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Ridgeway, who also led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Arriola; due to prior commitment.

Representative Curlee; due to out-of-town business all week.

Representative Stamps; due to prior commitment.

Representative Knight; notified the Speaker that she needed to leave session early.

MESSAGE FROM THE GOVERNOR

April 25, 1991

MR. SPEAKER: I am directed by the Governor to return

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

herewith: House Bill(s) No(s). 103, 479, 531, 618, 658, 1205, 1328, 1375, 1545, 1546, 1551, 1553, 1556, 1566 and 1569; also, House Joint Resolution(s) No(s). 49, 127, 178, 187, 188, 189, 192, 193, 197, 198, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 232 and 262; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1564; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
April 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s) 1564; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 448, 616, 655, 774, 988, 1333, 1334, 1554, 1562, 1571, 1575, 1582 and 1584; also, House Joint Resolution(s) No(s). 70, 120, 255, 257, 259, 261, 263, 264, 265, 266, 267, 268, 271, 272, 289, 296 and 297; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 26, 40, 53, 103, 240, 304, 475, 577, 585, 589, 616, 698, 899, 1009, 1069, 1155, 1233, 1417 and 1521; also, Senate Joint Resolution(s) No(s). 56, 187, 195, 198, 199, 212 and 215; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

PRESENT IN CHAMBER

Representative(s) Clark and Robb Robinson was/were recorded as being present in the Chamber.

CONSENT CALENDAR

House Bill No. 0951 -- Highways, Roads and Bridges -- Removes exclusion of certain counties from County Uniform Highway Law. Amends TCA, Title 54, Ch. 7.

On motion, House Bill No. 951 was made to conform with Senate Bill No. 212.

On motion, **Senate Bill No. 212**, on same subject was substituted for House Bill No. 951.

***House Joint Resolution No. 0238** -- General Assembly, Confirmation of Appointment -- William L. Hatfield, Wildlife Resources Commission.

***House Joint Resolution No. 0239** -- General Assembly, Confirmation of Appointment -- Harold Gibson, Wildlife Resources Commission.

***House Joint Resolution No. 0240** -- General Assembly, Confirmation of Appointment -- Ray Bell, Wildlife Resources Commission.

***Senate Joint Resolution No. 0117** -- Memorials, Government Officials -- Directs commissioner of conservation to study purchase of Rattlesnake Falls in Maury County for designation as state natural area.

***House Bill No. 0274** -- Game and Fish Laws -- Authorizes issuance of falconry permits up to three years upon payment of \$40.00 fee. Amends TCA 70-4-403.

On motion, House Bill No. 274 was made to conform with Senate Bill No. 482.

On motion, **Senate Bill No. 482**, on same subject was substituted for House Bill No. 274.

House Bill No. 0637 -- Penal and Reformatory Institutions -- Requires yearly inspection on certain correctional institutions holding prisoners of any Tennessee jurisdiction. Amends TCA 41-4-140.

On motion, House Bill No. 637 was made to conform with Senate Bill No. 637.

On motion, **Senate Bill No. 637**, on same subject was substituted for House Bill No. 637.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

House Bill No. 0433 -- Driver Licenses -- Prohibits municipal law enforcement officers from seizing driver licenses for traffic violations. Amends TCA 55-50-801.

***House Joint Resolution No. 0245** -- General Assembly, Confirmation of Appointment -- Arthur S. Hamman, State Forestry Commission.

***House Joint Resolution No. 0246** -- General Assembly, Confirmation of Appointment -- John Mark Hayes, State Forestry Commission.

House Bill No. 1068 -- Landlord and Tenant -- Establishes filing fee for nonresident landlords. Amends TCA 66-28-105.

On motion, House Bill No. 1068 was made to conform with Senate Bill No. 464.

On motion, **Senate Bill No. 464**, on same subject was substituted for House Bill No. 1068.

House Resolution No. 0072 -- Memorials, Interns -- Candy Bailey.

House Resolution No. 0074 -- Memorials, Interns -- Robin Whitehead. Amends TCA, Title 55, Ch. 4, Pt. 2.

House Resolution No. 0075 -- Memorials, Interns -- Scott Lovelace.

House Joint Resolution No. 0300 -- Memorials, Interns -- Amy Renee Gillentine.

House Joint Resolution No. 0301 -- Memorials, Public Service -- Bobby Snelson, Mayor of Cowan.

House Joint Resolution No. 0302 -- Memorials, Public Service -- Thomas Williams.

Senate Joint Resolution No. 0202 -- Memorials, Personal Occasion -- Senator and Mrs. Ernest Crouch, 50th wedding anniversary.

Senate Joint Resolution No. 0204 -- Memorials, Personal Achievement -- Carole Joyce Turner Maness, Chevalier dans l'Ordre des Palmes Academiques.

House Bill No. 1576 -- Gatlinburg -- Revises date for meeting to elect mayor and vice mayor. Amends Chapter 84, Private Acts of 1945, as amended.

On motion, House Bill No. 1576 was made to conform with Senate Bill No. 1567.

On motion, **Senate Bill No. 1567**, on same subject was substituted for House Bill No. 1576.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Bill No. 433; by Rep. Anderson and Chiles.

Under the rules, House Bill No. 433 was/were placed at the foot of the calendar for Wednesday, May 1, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Consent Calendar and have this statement entered in the Journal.

Rep. Brenda Turner

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on the

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Consent Calendar and have this statement entered in the Journal.

Rep. Robb Robinson

REGULAR CALENDAR

***House Bill No. 0210** -- Real Property -- Establishes method for proving chain of title in certain circumstances. Amends TCA, Title 29, Ch. 15, Pt. 1.

Further consideration of House Bill No. 210, previously considered on March 25, April 8, and April 22, 1991, at which time it was reset to the Calendar for April 29, 1991.

Rep. Davis (Cocke) moved that House Bill No. 210 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 210 by deleting from the amendatory language of Section___ of SECTION 1 the words "or lost".

On motion, Amendment No. 1 was adopted.

Rep. Davis (Cocke) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 210 by adding in the amendatory language of Section 1 before the words "legal title to real property" the words "a rebuttable presumption of" wherever it appears.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Davis (Cocke) moved that **House Bill No. 210**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby),

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 0182** -- Appropriations -- Appropriates funds for York Institute.

Further consideration of House Bill No. 182, previously considered on April 22, 1991, at which time it was reset to the Calendar for April 29, 1991.

On motion, House Bill No. 182 was made to conform with Senate Bill No. 295.

On motion, **Senate Bill No. 295**, on same subject, was substituted for House Bill No. 182.

Rep. Windle moved that **Senate Bill No. 295** be passed on third and final consideration.

Rep. Purcell moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Windle moved that **Senate Bill No. 295** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

House Bill No. 1487 -- Sexual Offenses -- Enacts "Rape Victims' Rights Act".

Further consideration of House Bill No. 1487, previously considered on April 15 and April 22, 1991, at which time it was reset to the Calendar for April 29, 1991.

On motion, House Bill No. 1487 was made to conform with Senate Bill No. 1495.

On motion, **Senate Bill No. 1495**, on same subject, was substituted for House Bill No. 1487.

Rep. Chumney moved that Senate Bill No. 1495 be reset two weeks to the Calendar for Monday, May 13, 1991, which motion prevailed.

House Bill No. 0641 -- Hotels and Restaurants -- Requires immediate suspension of permit to operate on discovery of certain misconduct. Amends TCA, Title 68, Ch. 14.

Further consideration of House Bill No. 641, previously considered on April 17 and April 24, 1991, at which time it was reset to the Calendar for April 29, 1991.

Rep. Dixon moved that **House Bill No. 641** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0823 -- Home Improvement Contractors -- Redefines "home improvement"; revises membership of home improvement commission; abolishes Home Improvement Guaranty Fund. Amends TCA, Title 62, Ch. 37.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Further consideration of House Bill No. 823, previously considered on April 24, 1991, at which time it was reset to the Calendar for April 29, 1991.

On motion, House Bill No. 823 was made to conform with Senate Bill No. 1000.

On motion, **Senate Bill No. 1000**, on same subject, was substituted for House Bill No. 823.

Rep. Byrd moved that **Senate Bill No. 1000** be passed on third and final consideration.

Rep. Byrd moved to amend as follows:

Amendment No. 1

Amend House Bill No. 823 by deleting from Section 13 the language "62-37-108(a)(8)(g)", and by substituting instead the language "62-37-108(g)".

On motion, Amendment No. 1 was adopted.

Rep. Clark moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Clark moved to amend as follows:

Amendment No. 3

Amend House Bill No. 823 by deleting the amendatory language of Section 17 and by substituting instead the following:

It shall consist of three (3) home improvement contractors, and two (2) public members, appointed by the governor.

On motion, Amendment No. 3 was adopted.

Rep. Clark moved to amend as follows:

Amendment No. 4

Amend House Bill No. 823 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 62, Chapter 37, is amended by adding the following new section:

Section 62-37-1_____. Notwithstanding the definition of contracting in Tennessee Code Annotated,

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Section 62-6-102, a home improvement contractor may perform services with a value of not more than fifty thousand dollars (\$50,000) without having to obtain a contractor's license under Tennessee Code Annotated, Title 62, Chapter 6.

Rep. Head moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	72
Noes.	17

Representatives voting aye were: Allen, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chumney, Coffey, Cole, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Garrett, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Venable, West, Whitson, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Bell, Clark, Crain, Dixon, Givens, Gunnels, Herron, McKee, Phillips, Purcell, Robinson (Davidson), Turner (Hamilton), Turner (Shelby), Walley, Williams (Union), Windle, Winningham -- 17.

Thereupon, Rep. Clark moved that Senate Bill No. 1000, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Representatives voting no were: Crain -- 1.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

***House Bill No. 0598** -- Election Laws -- Excludes Davidson County election commission from having to provide duplicate printout containing names and addresses of all eligible voters at polling place. Amends TCA 2-5-216.

On motion, House Bill No. 598 was made to conform with Senate Bill No. 910.

On motion, **Senate Bill No. 910**, on same subject, was substituted for House Bill No. 598.

Rep. West moved that **Senate Bill No. 910** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Chiles, Halteman -- 2.

A motion to reconsider was tabled.

***House Bill No. 0599** -- Election Laws -- Revises officials in Davidson County who must be notified when polling place relocated. Amends TCA 2-3-101.

Rep. West moved that **House Bill No. 599** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0715 -- Comptroller, State -- Enacts "Financially Distressed Municipalities, Counties and Education Agencies Act of 1991".

Rep. R. Jones moved that House Bill No. 715 be passed on third and final consideration.

Rep. R. Jones moved that House Bill No. 715 be reset one week to the Calendar for Monday, May 6, 1991, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 0018 -- Development Districts -- Changes date for transmittal of request for appropriations for West Fork Drakes Creek Dam and Reservoir Interstate Authority. Amends TCA, Title 64, Ch. 1, Pt. 9.

Rep. Wix moved that House Bill No. 18 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 18 by deleting all of the language after the enacting clause, and by substituting instead the following:

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Title 64, Chapter 1, Part 9, is amended by deleting the part in its entirety and by substituting instead the following:

Section ____.

(a) The West Fork Drakes Creek Dam and Reservoir Interstate Authority is hereby created. The West Fork Drakes Creek Dam and Reservoir Interstate Authority shall be a public body corporate and politic and shall be referred to as the "authority" in this Act. The authority shall develop the resources of the region embracing the Tennessee county of Sumner and the Kentucky county of Simpson by means of the construction and maintenance of the dam across the West Fork Drakes Creek and the reservoir created by this dam. The water impounded within this reservoir shall be utilized by the areas encompassing the authority to provide a source of water for both recreation and economic development to be used in industrial, commercial, agricultural, and residential activities. The authority may develop this dam and reservoir for these stated purposes.

(b) The General Assembly hereby finds that the need for the purposes for which this authority is created is evidenced by the effects which the recent droughts have had and continue to have on this area. The General Assembly also finds that an adequate supply of potable water is essential for the continued growth of this area.

Section ____.

(a) The authority shall be governed by a board of directors. The board shall make policy, which shall be implemented.

(b) The membership of the board shall be as follows:

(1) A member of the county legislative body of Sumner County, Tennessee and Simpson County, Kentucky, chosen by their respective legislative bodies;

(2) The mayors of the cities of Portland, Tennessee and Franklin, Kentucky;

(3) A member of the city legislative bodies from the cities of Portland, Tennessee and Franklin, Kentucky chosen by the respective legislative bodies;

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

(4) A member of an industrial foundation board or equivalent, if one (1) exists, from Portland, Tennessee and Franklin, Kentucky, as appointed by the respective boards; and

(5) A commissioner or designee chosen by the board of commissioners of the Simpson County water district.

(c)

(1) Each local governmental entity which is authorized to designate one (1) of its member for membership on the board shall designate the member by an appropriate resolution or ordinance.

(2) Each participating governmental entity shall adopt an appropriate resolution or ordinance which shall state the intention of the local entity to participate in the authority; the resolution or ordinance shall also include a recitation of the participating entity's statutory authority for participation.

(3) The authority shall not convene or conduct business until the requirements of this subsection have been met.

(d) Any elected official's or his designated alternate's position on the board shall run concurrent with the official's elected term.

(e) Any nonelected official shall have a term of four (4) years.

(f) If a vacancy occurs on the board, the position shall be filled in the same manner as set forth in the original appointment. A vacancy shall occur when any board member no longer meets the requirements for appointment to the board.

(g) The board shall meet annually at a time and place designated by the board. The time, place and date of this meeting shall be published in newspapers of general circulation in Sumner and Simpson counties at least seven (7) days prior to the meeting.

(h) The board at their annual meeting shall adopt or amend bylaws, if any, adopt an annual budget, elect officers, and adopt any policies

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

and work programs necessary for the operation of the authority and fulfillment of the purposes of the authority.

(i) Fifty percent (50%) of the membership of the board shall constitute a quorum of the conduct of the business of the authority.

(j) The act of fifty percent (50%) plus one (1) of all those voting shall be the act of the board for the execution of business.

(k) The board at its annual meeting shall elect as authority officers a chairman, vice-chairman, and a secretary-treasurer who shall serve terms of one (1) year. The chairman shall alternate between members from Tennessee and Kentucky. When a member from one (1) of the states sits as chairman, no more than one (1) other member from the state can sit as vice-chairman or secretary-treasurer.

Section ____.

The authority shall have the following general powers, function and duties:

(1) Perpetual succession in the corporate name;

(2) To sue and be sued in the corporate name and to sue and be sued in either Tennessee or Kentucky with the jurisdiction of either state's courts to be determined by where the cause of action arose;

(3) To adopt, use and alter a corporate seal, which shall be judicially noticed;

(4) To enter into contracts and cooperative agreements with federal, state, and local governments and agencies thereof, with private individuals, corporations, association, and with other organizations that the board may deem necessary or convenient in carrying out the purposes of this Act;

(5) To adopt, amend, and repeal bylaws;

(6) To employ an executive director and to appoint managers, officers, employees, attorneys and agent as the board

deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine;

(7) To receive and expend funds from any source for staffing and other administrative expenses, research, planning, coordination, and activities deemed necessary to promote and carry out the purposes of the authority;

(8) To cooperate and coordinate its activities with local, regional, and state planning agencies in developing and implementing plans for the development of the projects of the authority;

(9) To cooperate and coordinate its activities with the federal agencies having responsibility for developing natural, human, and physical resources of the region;

(10) To cooperate with local and regional financial institutions in assembling financial resources for commercial, industrial, and other development;

(11) To enter into compacts or contractual arrangements with planning agencies of both states, for the purpose of preparing joint-comprehensive plans for the development and maintenance of the projects of the authority;

(12) To acquire and hold real and personal property or interests therein as necessary to carry out the purposes of this Act; and

(13) To have and exercise other authority deemed necessary by the board of further and promote the purpose of this Act.

Section ____.

The authority may construct, operate, and maintain a dam and reservoir on the West Fork Drakes Creek and foster recreational and economic developmental projects that would utilize these resources. The construction of this dam and reservoir shall not commence until the authority has first obtained the consent and approval of all necessary regulatory bodies.

Section ____.

(a) The authority may issue its bonds from time to time for the purpose of paying in whole or in part the cost of acquiring lands and interests therein and of constructing facilities and improvements subject to the limitations and conditions provided in this Act. Any resolution of the board authorizing the sale of bonds shall be submitted to the state funding board established by Tennessee statute and shall become effective only upon approval by that board. If the board refuses approval, it shall state in writing the reasons for the action.

(b) Except as otherwise expressly provided in this section, all bonds issued by the authority shall be payable solely out of the revenues and receipts derived from the authority's projects or of any as may be designated in the proceeding of the board under which the bonds are authorized to be issued, including debt obligations of the lessee or contracting party obtained from or in connection with the financing of a project. Notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of the bonds. The bonds may be executed and delivered by the authority at any time and from time to time, may be in the form and denominations and of the terms and maturities, may be in registered or bearer form either as the principal or interest or both, may be payable in the installments and at the time or times not exceeding forty (40) years from the date thereof, may be payable at the place or places whether within or without the state, may bear interest at the rate or rates payable at the time or times and at the place or places and evidenced in the manner, may be executed by the officers of the authority and may contain the provisions not inconsistent herewith, as shall be provided in the proceedings of the board under which the bonds are authorized to be issued. If deemed advisable by the board, there may be retained in the proceedings under which any bonds of the authority are authorized to be issued and option to redeem all or any part thereof as specified in the proceedings, at the price or prices and after the notice or notices and on the terms and conditions as set forth in the proceedings, and as briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the authority any right or option to redeem any bonds except as provided in the proceedings under which they are issued.

Any bonds of the authority may be sold at public or private sale in the manner, at the price and from time to time as determined by the boards to be most advantageous and the authority may pay all expenses, premiums, and commissions which its board deems necessary or advantageous in connection with the issuance thereof. Issuance by the board of one (1) or more series of bonds for one (1) or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings under which any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Proceeds of bonds issued by the authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending any project or projects as authorized by this Act, including the payment of interest on the bonds during construction of any project and for two (2) years after the estimated date of completion, and payment of engineering, fiscal, architectural and legal expenses incurred in connection with the project and the issuance of the bonds and the establishment of a reasonable reserve fund for the payment of principal of and interest on the bonds in the event of a deficiency in the revenues and receipts available for the payment.

(c) Any bonds or notes of the authority at any time outstanding may at any time and from time to time be refunded by the authority by the issuance of its refunding bonds in the amount the board deems necessary, but not exceeding the sum of the following:

(1) The principal amount of the obligations being refinanced;

(2) Applicable redemption premiums thereon;

(3) Unpaid interest on the obligations to the date of delivery or exchange of the refunding bonds. If the proceeds from the sale of the refunding bonds are to be deposited in trust, interest shall accrue on obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the board or to the date or dates of maturity, whichever shall be determined by the board to be most advantageous or necessary to the authority;

(4) A reasonable reserve for the payment of principal of and interest on the bonds and a renewal and replacement reserve;

(5) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of the project and for two (2) years after the estimated date of completion, but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced;and

(6) Expenses, premiums, and commissions of the authority, including bond discounts, deemed by the board to be necessary for the issuance of the refunding bonds. A determination by the board that any refinancing is advantageous or necessary to the authority, that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(d) Any refund may be made whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the applications of the proceeds thereof to the payment of obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(e) Prior to issuance of the refunding bonds, the board shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the refunding bonds, to be given to the holder of the outstanding obligations by publication of an appropriate notice one (1) time each in a newspaper having general circulation in

the area and in a financial newspaper published in New York, New York, and having national circulation. As soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the board shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(f) If any of the obligation to be refunded are to be called for redemption, the board shall cause notice of redemption to be given in the manner required by the proceedings authorizing the outstanding obligations.

(g) The principal proceeds from the sale of any refunding bonds shall be applied only as follows:

(1) To the immediate payment and retirement of the obligations being refunded; or

(2) To the extent not required for the immediate payment of the obligations being refunded, the proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with the refunding, but provision may be made for the pledging and disposition of any surplus, including without limitation, provision for the pledging of any surplus to the payment of the principal of an interest on any issue or series of refunding bonds. Money in any trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the state of Kentucky if the certificates shall be secured by a pledge of any obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded which shall not have matured and which shall not be presently redeemable or, if presently

redeemable, shall not have been called for redemption.

(h) All bonds, refunding bonds and the interest coupons applicable thereto shall be construed to be negotiable instruments.

(i) The principal of and interest on any bonds issued by the authority may be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any projects thereafter made, or by an assignment and pledge of all or any part of the authority's interest in and rights under the leases, sale contracts or loan agreements relating to the projects, or any thereof. The resolution under which the bonds are authorized to be issued and any mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or portions thereof covered by the resolution, mortgage or deed of trust, the creation and maintenance of special funds from the revenues and from proceeds of the bonds, and the rights and remedies available in the event of default, as the board shall deem advisable and not in conflict with the provisions of this Act. Each pledge, agreement, mortgage and deed of trust made for the benefit of security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid.

Section ____.

(a) The various counties, town, and incorporated municipalities which are members of the authority may contribute to the work of the authority any amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county or city. Governing bodies of member local governments in Kentucky may levy any tax for this purpose not in conflict with the statutes of this state.

(b) No later than October of each year, the authority may transmit to the Governors of the

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Commonwealth of Kentucky and the state of Tennessee a request and an amount of appropriation needed during the next fiscal year for purposes of the authority including administration, operations and capital improvements, and appropriate justification for use of the appropriation, the amount or other amount deemed appropriate by the Governor to be included in the budget transmitted to the Kentucky or Tennessee General Assembly.

Section ____.

(a) The board shall annually formulate and issue a statement of objectives, priorities and programs that it has adopted or envisions to meet these objectives. This statement of objectives shall be included in the annual report.

(b) The board shall report annually to the Governors of the Commonwealth of Kentucky and state of Tennessee, and to the General Assemblies. This report shall also be transmitted to the governing bodies of each county and incorporated municipality of the authority. The report shall include a statement of financial receipts and expenditures assets and liabilities of the authority, a summary of all activities and accomplishments for the period, and proposed plans for the next year.

(c) The Auditor of Public Accounts shall establish in cooperation with the comptroller of the treasury of Tennessee, an acceptable accounting system and an auditing requirement for the authority. Purchasing and contracting procedures adopted by the authority shall not be effective until approved by the Auditor of Public Accounts.

Section ____.

All agencies and departments of state government shall extend their cooperation and lend assistance to the authority in the formulation and implementation of the purposes of this Act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Wix moved that **House Bill No. 18**, as amended, be

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	2
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Byrd, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Haley, Liles -- 2.

Representatives present and not voting were: Bragg, Chumney, Haun -- 3.

A motion to reconsider was tabled.

House Bill No. 1327 -- Pensions and Retirement Benefits -- Expands certain policemen's right to employment without loss of benefits. Amends TCA, Title 8, Ch. 36.

On motion, House Bill No. 1327 was made to conform with Senate Bill No. 1423.

On motion, **Senate Bill No. 1423**, on same subject, was substituted for House Bill No. 1327.

Rep. Wix moved that **Senate Bill No. 1423** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Thereupon, Rep. Wix moved that **Senate Bill No. 1423** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	5
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong,

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Bell, Bivens, Buck, Byrd, Callicott, Clark, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Bragg, Duer, Haun, Hill, Meyer -- 5.

Representatives present and not voting were: Holcomb, Johnson, Rigsby -- 3.

A motion to reconsider was tabled.

***House Bill No. 0281** -- Budget Procedures -- Provides mechanism for amending county budget. Amends TCA, Title 5, Chs. 9, 12, 21.

On motion, House Bill No. 281 was made to conform with Senate Bill No. 366.

On motion, **Senate Bill No. 366**, on same subject, was substituted for House Bill No. 281.

Rep. Hubbard moved that **Senate Bill No. 366** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Robinson (Washington) moved to amend as follows:

Amendment No. 3

Amend House Bill No. 281 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 88,700 nor more than 88,800 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Rep. Severance moved to amend as follows:

Amendment No. 4

Amend House Bill No. 281 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 319,625 nor more than 319,725 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Hubbard moved that **Senate Bill No. 366**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	2
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Cross, Herron -- 2.

Representatives present and not voting were: Fowlkes, Purcell -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 0881 -- Civil Procedure -- Exempts records custodians from subpoena to trial. Amends TCA 24-9-101.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Rep. Bittle moved that House Bill No. 881 be reset to the Calendar for Thursday, May 2, 1991, which motion prevailed.

House Bill No. 1351 -- Alcoholic Beverages -- Allows complimentary liquor to be given away at airports in certain counties provided taxes are paid. Amends TCA 57-4-203.

Rep. Bittle moved that **House Bill No. 1351** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	59
Noes	24
Present and not voting	5

Representatives voting aye were: Allen, Armstrong, Bell, Bittle, Bivens, Byrd, Chumney, Clark, Coffey, Cole, Collier, Copeland, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Garrett, Hassell, Head, Hill, Hillis, Hubbard, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Love, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Anderson, Bragg, Callicott, Chiles, Crain, Cross, Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Herron, Holcomb, Huskey, Liles, McAfee, Phillips, Rinks, Walley, Whitson, Williams (Union), Windle, Wood -- 24.

Representatives present and not voting were: Haun, Holt, Johnson, Odom, Rigby -- 5.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Bill No. 1351 and have this statement entered in the Journal.

Rep. Tim Joyce

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Bill No. 1351 and have this statement entered in the Journal.

Rep. Phillip Pinion

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 1351 and have this statement entered in the Journal.

Rep. Dennis Ferguson

REGULAR CALENDAR, CONTINUED

*House Bill No. 0532 -- Judicial Officers -- Revises procedure for appointing judicial commissioners. Amends TCA, Title 40.

Rep. Davidson moved that House Bill No. 532 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 532 by deleting the amendatory language of Section 1 and substituting instead the following:

(d)(1) Notwithstanding the provisions of subsections (a) through (c), the legislative body of any county having a population of not less than forty-one thousand four hundred (41,400) nor more than forty-one thousand six hundred (41,600) according to the 1990 federal census or any subsequent federal census, may, by resolution, create the position of one (1) or more judicial commissioners.

(2) The duties of a commissioner shall include, but are not limited to the following:

(1) The issuance of arrest warrants upon a finding of probable cause;

(2) The setting of bonds and recognizance in accordance with the procedures outlined in chapters 5 and 6 of title 40;

(3) The issuance of search warrants where authorized by the general sessions judge or a judge of a court of record; and

(4) The issuance of mittimus following compliance with the procedures prescribed by Section 40-5-103.

(3) The term of a judicial commissioner shall be established by the general sessions judge of such county, but in no event shall the term exceed four (4) years.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

(4) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the general sessions judge of such county and subject to the approval of the county legislative body. Fees established and authorized by Section 8-21-401 shall be paid to the general fund upon the services detailed therein being performed by a judicial commissioner.

(5) A judicial commissioner shall be selected and appointed by the general sessions judge in such county, and serve at the pleasure of such general sessions judge, but not longer than the term specified in subdivision (3).

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davidson moved that **House Bill No. 532**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1476 -- Criminal Offenses -- Makes obstruction of process server criminal offense. Amends TCA, Title 39, Ch. 16, Pt. 6.

On motion, House Bill No. 1476 was made to conform with Senate Bill No. 1490.

On motion, **Senate Bill No. 1490**, on same subject, was substituted for House Bill No. 1476.

Rep. Kernell moved that **Senate Bill No. 1490** be passed on third

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 2.

Rep. Kernell moved that **Senate Bill No. 1490** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Harrill -- 1.

A motion to reconsider was tabled.

House Bill No. 0901 -- Highways, Roads and Bridges -- Provides for inventory of certain highway properties. Amends TCA, Title 54, Ch. 5.

On motion, House Bill No. 901 was made to conform with Senate Bill No. 298.

On motion, **Senate Bill No. 298**, on same subject, was substituted for House Bill No. 901.

Rep. Kernell moved that **Senate Bill No. 298** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 298** be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 0014 -- Election Laws --** Prohibits conversion of campaign funds to personal use; expands requirements for conflict of interest disclosure statements. Amends TCA, Title 2, Ch. 10; Title 8, Ch. 50, Pt. 5.

Rep. Kisber moved that House Bill No. 14 be reset one week to the Calendar for Monday, May 6, 1991, which motion prevailed.

***House Bill No. 0168 -- Appropriations --** Appropriates funds to provide wheelchair vans for Upper Cumberland Area Regional Transit System.

Rep. Rhinehart moved that House Bill No. 168 be reset two weeks to the Calendar for Monday, May 13, 1991, which motion prevailed.

***House Resolution No. 0036 -- General Assembly, Studies --** Creates house committee to study public health.

Rep. Dixon moved that House Resolution No. 36 be adopted.

Rep. DeBerry moved to amend as follows:

Amendment No. 1

Amend House Resolution No. 36 by inserting the following language immediately after the first resolving clause:

BE IT FURTHER RESOLVED, That such comprehensive study of public health problems shall also include an in-depth examination of health care delivery for poor and medically underserved persons residing in urban and rural areas of the state.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved to amend as follows:

Amendment No. 2

Amend House Resolution No. 36 by deleting the words "the House Committee on Health and Human Resources" in the first sentence of the first resolving paragraph and by substituting instead the following:

"a committee be formed consisting of one (1) member of the department of conservation, one (1) member of the house committee on health and human resources, one (1) member of the committee on government operations and two (2) consumers who shall be appointed by the other three (3) members. The committee shall".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Dixon moved that **House Resolution No. 36**, as amended, be adopted, which motion prevailed.

The motion to reconsider was tabled.

House Bill No. 0057 -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

Further consideration of House Bill No. 57, previously considered on April 25, 1991, at which time it was reset to the Calendar for April 29, 1991.

Rep. Ferguson moved that House Bill No. 57 be reset to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

***Senate Bill No. 0454 -- Election Laws --** Enacts "Anti-Skulduggery Act of 1991". Amends TCA 2-5-101.

Further consideration of Senate Bill No. 545, previously considered on April 25, 1991, at which time it was substituted for the House Bill and reset to the Calendar for April 29, 1991.

Rep. Knight moved that Senate Bill No. 454 be reset to the Calendar for Wednesday, May 1, 1991, which motion prevailed.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Bill(s) No(s). 833; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 0833 -- Highways, Roads and Bridges -- Increases minimum distance between scenic highways and junkyards and advertising structures. Amends TCA, Title 54, Ch. 17. by *Womack.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0514** -- Highways, Roads and Bridges -- Increases minimum distance between scenic highways and junkyards and advertising structures. Amends TCA, Title 54, Ch. 17.

Further consideration of House Bill No. 514, previously considered on April 17 and April 24, 1991, at which time it was reset to the Calendar for April 29, 1991.

On motion, House Bill No. 514 was made to conform with Senate Bill No. 833.

On motion, **Senate Bill No. 833**, on same subject, was substituted for House Bill No. 514.

Rep. Bragg moved that **Senate Bill No. 514** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 0021** -- Salaries and Benefits -- Increases fines for violation of certain wage regulations; permits department to inspect employer's records during certain hours. Amends TCA 50-2-103.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

On motion, House Bill No. 21 was made to conform with Senate Bill No. 77.

On motion, **Senate Bill No. 77**, on same subject, was substituted for House Bill No. 21.

Rep. West moved to amend as follows:

Amendment No. 1

Amend House Bill No 21 by adding the following new section to precede the effective date section:

Section _____. Tennessee Code Annotated, Section 50-2-103 (d) is amended by deleting the following language and punctuation:

, and shall post and maintain notices, printed or written in plain type or script, in at least two (2) conspicuous places where said notices can be seen by the employees as they go to and from the work, setting forth the regular pay day as above prescribed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. West moved that **Senate Bill No. 77**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	70
Noes.	22
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hillis, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Callicott, Chiles, Coffey, Duer, Gunnels, Harrill, Head, Hill, Holt, Jackson, Joyce, Liles, McAfee, McDaniel, Meyer, Nuber, Robinson (Davidson), Robinson (Washington), Sipes, Tullos, Venable, Williams (Union) -- 22.

Representatives present and not voting were: Fowlkes, Holcomb, Wix -- 3.

A motion to reconsider was tabled.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

***House Bill No. 0480** -- Motor Vehicles -- Prohibits transporting certain persons in certain motor vehicles. Amends TCA, Title 55, Ch. 8, Pt. 1.

On motion, House Bill No. 480 was made to conform with Senate Bill No. 795.

On motion, **Senate Bill No. 795**, on same subject, was substituted for House Bill No. 480.

Rep. Bragg moved that **Senate Bill No. 795** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 480 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
28,500	28,560
28,690	28,750

On motion, Amendment No. 2 was adopted.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 3.

Thereupon, Rep. Bragg moved that **Senate Bill No. 795**, as amended, be passed on third and final consideration, which motion he then withdrew and moved that Senate Bill No. 795 be re-referred to the Calendar and Rules Committee, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 0100 -- Financial Disclosure -- Requires disclosure of the identity of persons purchasing certain communications which seek to influence governmental decisions. Amends TCA 2-19-120.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 100**

Pursuant to **Rule No. 73**, Representative Bragg moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 100, which motion prevailed.

The Speaker appointed Representatives Bragg, Clark and Kisber as the House members of the Conference Committee on Senate Bill No. 100.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to request the return of Senate Bill No. 268, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SENATE BILL RETURNED

There being no objection, Rep. Collier asked that the Clerk be directed to return Senate Bill No. 268 to the Senate as requested.

***Senate Bill No. 0268 -- Education --** Revises school attendance laws if a person owns real property located in more than one county. Amends TCA, Title 49, Ch. 6.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0294 -- Motor Vehicles --** Exempts certain licensed motor vehicle dealers from obtaining automobile auction license under certain circumstances. Amends TCA 55-17-109.

Senate Amendment No. 1

Amend House Bill No. 294 by deleting item (2)(C) in the amendatory language of Section 1, and by substituting instead the following:

(C) The motor vehicles are not sold on consignment, and all motor vehicles are sold to the highest bidder; and

AND FURTHER AMEND by deleting the period at the end of the amendatory language of item (2)(E) of Section 1, and by substituting instead the following:

along with sufficient proof to the motor vehicle commission that all state and local sales taxes and gross receipts taxes are current.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Rep. Collier moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 294**.

Rep. Clark moved that the motion to nonconcur be tabled, which motion failed by the following vote:

Ayes.	7
Noes.	79
Present and not voting.	2

Representatives voting aye were: Buck, Clark, Liles, Niceley, Shirley, Windle, Winningham -- 7.

Representatives voting no were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, King, Kisber, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives present and not voting were: Jones R (Shelby), Pruitt -- 2.

Thereupon, Rep. Collier moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 294**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0461 -- Criminal Offenses -- Creates criminal offense of aggravated prostitution. Amends TCA, Title 39, Ch. 13.

Senate Amendment No. 1

Amend House Bill No. 461 by adding the following new section immediately preceding the last section and by redesignating the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act. The Tennessee Code Commission is directed not to codify this section of this bill.

Rep. Joyce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 461**, which motion prevailed by the following vote:

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**MESSAGE FROM SENATE
April 29, 1991**

MR. SPEAKER: I am directed to request the return of House Bill No. 1175, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL RETURNED

There being no objection, Rep. Odom asked that the Clerk be directed to return **House Bill No. 1175** to the Senate as requested.

***House Bill No. 1175** -- Highways, Roads and Bridges -- Expands portion of State Highway 100 designated as scenic highway. Amends TCA 54-17-114.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1239 -- Criminal Procedure -- Requires district attorney general to agree to civil sanctions in lieu of criminal for certain theft offenses. Amends TCA 39-14-144, 145.

Senate Amendment No. 3

Amend House Bill No. 1239 by deleting the following language:

Section ____.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

(a) Tennessee Code Annotated, Section 39-14-144, is amended by adding the following language as a new, appropriately designated subsection:

() Whenever a retail merchant, the merchant's agent, or the merchant's employee apprehends an adult or minor who has committed theft as described in subsection (a), such merchant, agent, or employee shall not at such time discuss a civil action under this section as an available alternative to the pursuit of criminal penalties.

(b) Tennessee Code Annotated, Section 39-14-145, is amended by adding the following language as a new, appropriately designated subsection:

() Whenever a retail merchant, the merchant's agent, or the merchant's employee apprehends an employee who has committed theft as described in subsection (a), such merchant, agent, or employee shall not at such time discuss a civil action under this section as an available alternative to the pursuit of criminal penalties.

and substituting instead the following:

Section ____.

(a) Tennessee Code Annotated, Section 39-14-144, is amended by adding the following language as a new, appropriately designated subsection:

() Whenever a retail merchant, the merchant's agent, or the merchant's employee apprehends an adult or minor who has committed theft as described in subsection (a), such merchant, agent, or employee shall not at such time enter into any written agreement to accept civil damages in lieu of criminal penalties or actually accept any such civil damages.

(b) Tennessee Code Annotated, Section 39-14-145, is amended by adding the following language as a new, appropriately designated subsection:

() Whenever a retail merchant, the merchant's agent, or the merchant's employee apprehends an employee who has committed theft as described in subsection (a), such merchant, agent, or employee shall not at such time enter into any written agreement to accept civil damages in lieu of criminal penalties or actually accept any such civil damages.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 3, to House Bill No. 1239, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Jones U (Shelby) -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1340 -- Television, Cable -- Creates criminal offense and civil penalties for theft of cable television services. Amends TCA, Title 7, Ch. 59.

Senate Amendment No. 4

Amend House Bill No. 1340 by deleting Section 1(c) of the bill as written, in its entirety, and substituting in its place the following:

(c)

(1) Theft of cable services as prohibited by subsection (a) of this section is a Class A misdemeanor, except a person who subscribes to cable television service for his or her residence and whose only offense is making or maintaining additional connections for the distribution of cable television within the same residence without authority from the cable television company shall be punished as a Class C misdemeanor punishable by a fine only of not more

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

than fifty dollars (\$50.00).

(2) Prosecution for theft of cable television services shall be pursuant to this part and shall be precluded under any other title or part.

AND FURTHER AMEND by inserting "(5)" after "(a)" and before "for" in the second line of Section 1(d)(2).

AND FURTHER AMEND by redesignating Section 2 as Section 3 and by adding the following as Section 2:

Section 2. For purposes of this act, it is the intent of the general assembly that the connecting of VCR's in addition to a television to a cable television outlet shall not be considered an additional cable television service.

Senate Amendment No. 5

Amend House Bill No. 1340 to delete the words "or instruct" in 1 (a) (2).

Rep. Davidson moved that the House concur in Senate Amendment(s) No(s). 4 and 5 to **House Bill No. 1340**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

UNFINISHED BUSINESS

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 232; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0232 -- Memorials -- Notes results of softball game between legislators and interns. by *McNally, *Patten, *Jordan.

**MESSAGE FROM THE SENATE
April 29, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 234; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0234 -- Memorials, Sports -- Wooddale Junior High School Varsity Band, Masters Invitational Concert Festival. by *Cohen.

RULES SUSPENDED

Rep. Johnson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 206 out of order, which motion prevailed.

Senate Joint Resolution No. 0206 -- Memorials, Heroism -- John Stephens.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Johnson, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kisber moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 682 can be heard by the Judiciary Committee on Wednesday, May 1, 1991, which motion prevailed.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

RULES SUSPENDED

Rep. Buck moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill(s) No(s). 122 and 1052 can be heard by the Judiciary Committee on Wednesday, May 1, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Moore moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 232 out of order, which motion prevailed.

Senate Joint Resolution No. 0232 -- Memorials -- Notes results of softball game between legislators and interns.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Moore, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that bills passing out of Standing Committee this week that have fiscal notes over \$100,000 and would be referred to the Revenue and Expenditure subcommittee of Finance, Ways and Means Committee, could be heard by the Revenue and Expenditure subcommittee on Wednesday, May 1, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Dixon moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 234 out of order, which motion prevailed.

Senate Joint Resolution No. 0234 -- Memorials, Sports -- Wooddale Junior High School Varsity Band, Masters Invitational Concert Festival.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Dixon, the resolution was concurred in.

A motion to reconsider was tabled.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

RULES SUSPENDED

Rep. Shirley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 299 out of order, which motion prevailed.

House Joint Resolution No. 0299 -- Naming and Designating -- Pi Kappa Phi PUSH Week, April 8-13, 1991.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Shirley, the resolution was adopted.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on Wednesday, May 1, 1991:

Senate Bill No. 633: Rep. Herron.

House Bill No. 956: Rep. Holcomb.

House Bill No. 1173: Rep. Herron.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 14: Rep(s). Chumney as prime sponsor(s).

House Bill No. 122: Rep(s). Bivens and Buck as prime sponsor(s).

House Bill No. 240: Rep(s). Callicott and Liles as prime sponsor(s).

House Bill No. 480: Rep(s). Odom as prime sponsor(s).

House Bill No. 752: Rep(s). Bivens and L. Turner (Shelby) as prime sponsor(s).

House Bill No. 915: Rep(s). Bivens as prime sponsor(s).

House Bill No. 1459: Rep(s). Knight as prime sponsor(s).

House Joint Resolution No. 239: Rep(s). Herron and Ridgeway as prime sponsor(s).

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

House Joint Resolution No. 245: Rep(s). McKee as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

***House Resolution No. 0073** -- Memorials, Government Officials -- Requests TVA to study feasibility of expanding bridge over Fort Loudoun Dam. by *Gunnels.

Referred by the Speaker to the State and Local Government Committee.

House Resolution No. 0077 -- Memorials, Sports -- Paul Conry. by *Curlee.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0078 -- Memorials, Sports -- McMinn County High School boys' basketball team. by *McKee.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0079 -- Memorials, Public Service -- Hamblen County Community Prevention Network. by *Johnson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0303 -- Memorials, Public Service -- Margaret Pearson, first female Mayor of Sparta. by *Hillis.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0304 -- Memorials, Interns -- Eddie Davidson. by *Phillips, *Moore.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0305 -- Naming and Designating -- Senior Citizens Dental Health Month, May. by *Liles.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0306 -- Naming and Designating -- Children's Dental Health Month, February 1991. by Liles.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0307 -- Memorials, Interns -- Kelly Ann Garner. by *West.

Referred by the Speaker to the Calendar and Rules Committee.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

House Joint Resolution No. 0308 -- Memorials, Public Service -- Correctional Officers of Tennessee. by *Johnson.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0309 -- Memorials, Professional and Business Achievement -- Dr. Charles Couser. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0208 -- Memorials, Sports -- Coffee County Central High School varsity cheerleaders.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1528** -- Gambling -- Allows display of gambling devices at trade shows. Amends TCA, Title 39, Ch. 17, Pt. 5. by *Dixon.

Passed first consideration.

House Bill No. 1594 -- Warren County -- Levies hotel/motel tax. by *Hillis, *Rhinehart.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 763** -- Professions and Occupations -- Revises requirements for professional counselors. Amends TCA, Title 63, Ch. 22. (HB 1155).

Held pending third consideration of companion House Bill.

***Senate Bill No. 930** -- Education, Higher -- Enacts "Ethics/Conflict of Interest of Administrators Law of 1991". Amends TCA, Titles 8, 12, 49. (HB 810).

Held pending third consideration of companion House Bill.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 29, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 860, 997, 1037, 1042, 1311, 1402, 1506, 1507, 1540, 1570, 1573, 1577, 1578, 1579 and 1585.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 29, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Wednesday, May 1, 1991**: House Resolution(s) No(s). 77, 78 and 79; House Joint Resolution(s) No(s). 303, 304, 307, 308 and 309; House Bill(s) No(s). 860, 997, 1037, 1042, 1311, 1402, 1506, 1507, 1540, 1570, 1573, 1577, 1578, 1579 and 1585; also Senate Joint Resolution(s) No(s). 208.

PHILLIPS, Chair.

**REPORT OF THE ENGROSSING CLERK
April 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 448, 616, 655, 774, 988, 1333, 1334, 1554, 1562, 1571, 1575, 1582 and 1584; also, House Joint Resolution(s) No(s). 70, 120, 255, 257, 259, 261, 263, 264, 265, 266, 267, 268, 271, 272, 289, 296 and 297.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 29, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 210, 599 and 641; also, House Joint Resolution(s) No(s). 238, 239, 240, 245, 246, 300, 301 and 302; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

ENGROSSED BILLS

April 29, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 18 and 1351; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 29, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 532; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 29, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 26, 40, 53, 103, 240, 304, 475, 577, 585, 589, 616, 698, 899, 1009, 1069, 1155, 1233, 1417 and 1521; also, Senate Joint Resolution(s) No(s). 56, 187, 195, 198, 199, 212 and 215.

MESSAGE FROM THE SENATE

April 29, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 632; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 29, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 121; amended, and concurred in by the Senate .

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 236; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0236 -- Memorials, Interns --
Lynette Kathleen Clark. by *Davis E.

ENGROSSED BILLS
April 29, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 299; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 29, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 29, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 420, 424, 546, 566, 741, 777, 851, 902, 1250, 1429, 1580 and 1583; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 168, 188 and 197; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

***Senate Joint Resolution No. 0168** -- Highway Signs -- Knoxville Museum of Art. by *Gilbert.

***Senate Joint Resolution No. 0188** -- General Assembly, Statement of Intent or Position -- Urges use of acid-free paper in publication of state documents. by *O'Brien, McKnight.

***Senate Joint Resolution No. 0197** -- Memorials, Congress -- Urges refraining from mandating states' passage of laws requiring use of motorcycle helmets and safety belts. by *Henry, McKnight.

MESSAGE FROM THE SENATE

April 29, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 29, 220, 221, 519, 685, 746, 827, 990, 1439 and 1448; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0029** -- Obscenity and Pornography -- Revises law relative to the production and distribution of certain obscene matter. Amends TCA 39-17-902. by *Henry.

***Senate Bill No. 0220** -- Fire Prevention and Investigation -- Authorizes issuance of citations or seeking of injunction to correct dangerous conditions in certain buildings. Amends TCA, Title 68, Chs. 17, 18. by *Crowe, *Hicks, *Cohen.

***Senate Bill No. 0221** -- Codes -- Requires certain municipal and county fire prevention and building officials to be certified by state fire marshal. Amends TCA, Title 68, Ch. 18. by *Crowe, *Hicks.

***Senate Bill No. 0519** -- Charitable Solicitations -- Revises law concerning charitable solicitations. Amends TCA, Title 48, Ch. 3. by *Jordan, McKnight.

***Senate Bill No. 0685** -- Sunset Laws -- Extends termination date of health facilities commission. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11. by *Rochelle, Person.

***Senate Bill No. 0746** -- Libraries -- Authorizes state librarian in certain cases to destroy original archival titles and records. Amends TCA 10-7-307. by *Springer.

***Senate Bill No. 0827** -- Public Contracts -- Increases interest rate on penalties. Amends TCA, Title 12, Ch. 4. by *Haynes.

Senate Bill No. 0990 -- Hickman County -- Increases severance tax on phosphate rock. Amends Chapter 92, Private Acts of 1979. by *Springer.

***Senate Bill No. 1439** -- County Government -- Authorizes

MONDAY, APRIL 29, 1991 -- FORTY-FIRST LEGISLATIVE DAY

counties to establish more stringent personal interest standards than those of general law. Amends TCA, Title 12, Ch. 4. by *McNally.

Senate Bill No. 1448 -- Mobile Homes and Manufactured Buildings
-- Preempts local regulations of tie-down standards for manufactured homes. Amends TCA, Title 68, Ch. 36, Pt. 4. by *O'Brien, *Greer, McKnight.

MESSAGE FROM THE GOVERNOR
April 29, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 27, 156, 623, 663, 717, 855, 937, 1151, 1240, 1282, 1555, 1560, 1564 and 1572; also, House Joint Resolution(s) No(s). 118, 228, 229, 230, 233, 235, 241, 244, 250, 251 and 258, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, May 1, 1991.